

# Memorandum

**TO:** Mr. Pete Gutwald, Director, Department of Planning and Zoning

**FROM:** Jennifer M. Smith, Geosyntec Consultants, Inc.

**DATE:** March 20, 2008

**SUBJECT:** Zoning Code Update Meeting 14 – Meeting Summary  
February 25, 2008, Second Floor Conference Room  
Harford County Office Building

---

## Attendees

### Workgroup Members Present:

Col. Charles Day  
Ms. Carol Deibel  
Mr. Samuel Fielder, Jr.  
Mr. Rowan G. Glidden  
Mr. Frank Hertsch  
Mr. Jeffrey K. Hettleman  
Mr. Tim Hopkins  
Mr. Douglas Howard  
Mr. Gil Jones  
Mr. Gregory J. Kappler  
Mr. Michael Leaf  
Ms. Gloria Moon  
Mr. Frank Richardson  
Mr. Jim Turner  
Mr. Lawrason Sayre  
Mr. Bill Vanden Eynden  
Mr. Craig Ward  
Ms. Marisa Willis  
Mr. Jay Young

### Workgroup Members Absent:

Mr. Torrence Pierce  
Ms. Susie Comer  
Ms. Susan B. Heselton  
Mr. Chris Swain

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

Geosyntec contact information:

Geosyntec Consultants Office: (410) 381-4333

Email: jsmith@geosyntec.com

**Meeting Summary**

The fourteenth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting 13 Summary was distributed for review and approved by the workgroup with a few editorial revisions.

**Continued Discussion of Special Developments**

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, continued the discussion of the Special Development section of the proposed Zoning Code. The discussion began where the work group left off at the end of Meeting 13. Mr. Gutwald was asked to briefly summarize the topics that had been deferred from previous meetings for the purpose of discussion under Special Developments. Deferred topics generally dealt with providing flexibility in allowance for uses; residential development densities and type of units – this included such project types as Planned Residential Developments and Conventional Open Space as well as Corporate Office Parks.

**Workgroup Discussion – Special Developments**

A workgroup discussion included the following topics and recommendations presented below:

**1. Topic: Flexible, Balanced Zoning**

**Discussion:**

- There was a discussion on providing workforce housing in the Planning Residential Development (PRD) while trying to balance multiple objectives such as environmental protection and promoting urban revitalization. During this discussion,

one member expressed the opinion that there is not enough flexibility to allow alternative projects such as higher buildings or increased density, both of which could reduce the cost of a project thereby lowering housing prices. Flexibility in design standards and density will be needed to achieve the goal of providing affordable workforce housing.

- Without flexibility in density limits, a developer is forced to request a variance to increase density to a point where affordable housing can be economically achieved. Although there is the potential of going to the Board of Appeals (Board) for a zoning variance, Board decisions can be appealed and can be held up in court proceedings for multiple years. This process can be expensive and time consuming.
- One workgroup member suggested that a new open development approval process could be established for the PRD, as an alternative to “by right zoning”. This new process would allow a developer to present a new comprehensive project development plan to the County Council for approval. The process would give the County Council the authority to make modifications to design standards. The process would allow the developer to begin with no predetermined density, layout, or other design criteria. The developer would instead be required to present the proposed project layout, design details, density, and traffic studies and other information to a public forum for approval. The County Council (representing the public citizens) would authorize/reject the approval of the project via legislation. A similar process is currently being used in Baltimore County for Planned Unit Developments (PUDs).
- Deputy County Attorney, Nancy Giorno stated that there may be administrative issues with this process since the County Council in Harford County also acts as the Board of Appeals on zoning cases.
- One member of the workgroup suggested that having the County Council act as the Board of Appeals is generally a problem. An alternative should be investigated.

**Result:**

- DPZ agreed to investigate the potential of creating a flexible zoning process in the PRD.

**2. Topic: Transfer of Development Rights (TDRs) and Density Increases**

**Discussion:**

- One workgroup member suggested that the County has been giving away density and that developers should be required to buy TDRs for an increase in density. A workgroup member suggested that for development projects meeting the COS, PRD and for Nursing Homes and Assisted Living Facilities, purchasing of TDRs should be required at a 1:1 ratio for increases in density above the base zoning.
- Another workgroup member suggested that saving farmland is an important objective but that requiring the purchase of TDRs will only lead to increases in housing costs.

**Result:**

- The majority of workgroup members agreed (with dissenting views) not to require the purchase of TDRs for increases in density in the COS, PRD, and for Nursing Homes and Assisted Living Facilities.

**3. Topic: General Approval for Special Developments**

**Discussion:**

- One workgroup member suggested that Retail, Service, Office and Institutional uses in the RO District should be acceptable uses with Administrative approval.
- One workgroup member noted that housing for the elderly has been determined by the proposed zoning code to be a prohibited use in the AG District. Therefore the statement under Section 267-68(A)(3) should be eliminated.

**Result:**

- The workgroup agreed (with dissenting views) to allow Retail, Service, Office and Institutional uses in the RO District with Administrative approval.
- The workgroup agreed to remove the statement under Section 267-68(A)(3) referring to housing for the elderly in the AG District.

**4. Topic: Definition of Special Development**

**Discussion:**

- One workgroup member requested a definition be added to the proposed Zoning Code for Special Development. The term “special development” can have different meanings in the different jurisdictions of the County. Therefore, not having a definition in the Zoning Code can be confusing.

**Result:**

- DPZ agreed to add a definition to the proposed Zoning Code for “special development”.

**5. Topic: Design Standards for COS and PRD**

**Discussion:**

- A workgroup member requested that the minimum residential parcel size in the COS and PRD should be 5 acres.
- One member requested that the pedestrian/bicycle amenities be required to be linked to required open space areas.
- Workgroup members discussed the requirements of COS and PRD projects to have direct access to a Collector or higher functional classified road. It was noted that several roads built to the Department of Public Work’s primary residential road standards are adequate to handle the traffic generated from the project. Discussion ensued regarding the need for these projects to have access to adequate roadway

network. It was also noted that there are traffic study requirements but these requirements only require the analysis of intersections. Further discussion included the language in the code which referred to “planned” collectors and arterials. It was clarified that planned roads referenced the roads listed in the Transportation Element Plan. The Department referenced the Subdivision regulations requirements. It was recommended that the word “planned” be replaced with “or to be built by the developer”.

- A workgroup member suggested that the words “parking areas and project open space” be omitted from the site design requirements under density in COS and PRD Sections 267-70C(1)(e) and §267-71C(1)(e).

**Result:**

- The work group agreed to reduce the minimum residential parcel size in the COS and PRD to 5 acres.
- The workgroup members agreed to restate Section 267-70C(2)(b) and Section 267-71C(2)(b) to read: “The project must be directly accessible from 1 or more existing or planned arterial, collector or primary residential roads.”
- The workgroup agreed to remove the words ““parking areas and project open space” from Section 267-70C(1)(e) and 267-71C(1)(e).

**6. Topic: Design Standards for Agricultural / Commercial**

**Discussion:**

- A workgroup member suggested §267-73A(11) and D(3), regarding tenant farmer/tenant operator, are definitions and should be removed from this section and placed in the definition section.
- One member suggested that under Section 267-73G(2) the words “offsite residence” should be changed to “adjoining property” to be consistent with recommendations made previously by the workgroup regarding lighting.
- One member of the workgroup requested a clarification on the definition of a “commercial riding stable”. The design standards required for a property boarding only a few horses, for example, are too restrictive.
- One member requested a clarification on the required setback for veterinary practices of large animals in §267-73F. It is not clear what part of the operation should be set back from the road frontage or off-site residence. DPZ clarified that the entire operation is included in the setback.

**Result:**

- To be consistent with previous recommendations of the workgroup, Sections 267-73 (A)(11) and 267-73 (D)(3) should be eliminated.
- To be consistent with recommendations made previously by the workgroup regarding lighting, the words “offsite residence” will be changed to “adjoining property” under Section 267-73G(2).

- DPZ agreed to clarify Section 267-73 (F)(b) to identify that the entire large animal veterinary operation is included in the setback restrictions.
- DPZ agreed to add a definition for commercial riding stables to the proposed Zoning Code.

## **7. Topic: Design Standards for GMA**

### **Discussion:**

- The workgroup discussed the open space requirement of the GMA. One workgroup member suggested that the required open space area should be reduced from 35% to 20% of the total parcel area, with 50% of the required open space area dedicated to active recreation. It was suggested that open space should be provided in the areas where people live, not centrally located in regional parks. One workgroup member mentioned that in all zoning districts where apartments are an acceptable use, open space requirements are 20% of the parcel area. The GMA design standards were originally designed to promote redevelopment along the Route 40 corridor. Why include more restrictive open space requirements which ultimately drive up the cost of the project in an area where we are trying to promote development.
- The workgroup discussed the appropriateness of the GMA design standards with respect to the previous recommendation that the GMA be applicable throughout the County. Acreage and density requirements were previously eliminated by the workgroup during recommendations from Meeting 11.
- The workgroup recommended eliminating references to Route 40 as the required primary access road, as stated in Section 267-74 (E) (4) to be consistent with previous recommendations that the GMA design standards should apply throughout the County and not just along the Route 40 corridor.

### **Result:**

- The workgroup members agreed to reduce the required area of open space for GMA development from 35% to 20% of the parcel area with 10% of the parcel area required to be active open space.
- DPZ will clarify changes to Section 267-74 based on previous recommendations to allow the GMA to apply to all areas of the County within the development envelope.

## **8. Topic: Design Standards for Nursing Homes and Assisted Living Facilities**

### **Discussion:**

- One workgroup member suggested that the applicability of Nursing Homes and Assisted Living Facilities in the R2, R3, R4, B2, B3 and CI Districts as stated in Section 267-75A is in conflict with the use charts on page 146 of the proposed Zoning Code.

### **Result:**

- DPZ agreed to revise correct any inconsistencies between the use charts and Section 267-75A.

## **9. Topic: Design Standards for Housing for the Elderly**

### **Discussion:**

- The workgroup suggested removing the applicability of housing for the elderly in the R1 and VB..
- Workgroup members discussed the Open Space requirements for Housing for the Elderly. This section requires Housing for the elderly to be 50% and that 50% of the required open space area be dedicated to active recreation. It was noted that the requirements for Active Open Space is established in the Open Space section of the Code (§267-31B(1)) . The statement under Section 267-80 (B)(5)(b) implies that a development plan could be approved with only ½ acre of active recreation space. It was clarified that at a minimum, a Housing for the Elderly facility must have ½ acre of active open space.

### **Result:**

- The workgroup members agreed not to eliminate the applicability of Housing for the Elderly from the R1 District or the VB District.
- A reference to Section 267-31 will be included in the open space requirement under housing for the elderly.

## **10. Topic: Design Standards for Corporate Office Parks (COP)**

### **Discussion:**

- The workgroup discussed whether the building height restrictions for the COP were too restrictive to promote this type of development based on the amount of acreage required. The six story limit on buildings in the COP is identical to the building story restrictions in other Commercial and Industrial Districts. Therefore, there is no incentive to developing a COP. It was noted that although the building story limit is the same, buildings in the COP are not required to meet the setback restrictions of those in the commercial and industrial districts.
- One workgroup member requested clarification regarding where COP developments are applicable. Although the proposed Zoning Code states that they are applicable to CI and LI zoning districts, are COP developments restricted to the development envelope where public water and sewer service exists?

### **Result:**

- It was noted that Priority Funding Areas must be on public water and sewer, or must be located in a rural village. The workgroup members agreed to modify Section 267-82C(2) to read “The project must be located within a Priority Funding Area within the Development Envelope.”

### Special Exceptions and Landfills

At Meeting 15, the workgroup will continue the discussion on Special Developments and complete a discussion on Special Exceptions and Landfills. Additionally the workgroup will discuss Historic Preservation and Growth Management. A handout summarizing ARTICLE IX Special Exceptions, and summarizing ARTICLE X Landfills, was distributed for review. A copy of Council Bill No. 07-47 As Amended was also distributed for review.

### Administrative Issues:

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:  
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

### Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 13 Summary
3. Summary of the proposed Zoning Code Article IX Special Exceptions and Article X Landfills
4. Copy of Council Bill No. 07-47 As Amended.

### Next Scheduled Meetings

Date: March 10, 2008  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 15 – Special Development/Special Exceptions/Landfills (continued) and Historic Preservation and Growth Management  
Location: Harford County Administrative Office Building  
220 South Main Street, 2nd Floor Conference Room  
Bel Air, MD 21014

Date: March 24, 2008  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 16 – Growth Management and Subdivision Regulations  
Location: Harford County Administrative Office Building  
220 South Main Street, 2nd Floor Conference Room  
Bel Air, MD 21014